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LAW OFFICES

**KELLER AND HECKMAN**

1001 G STREET, N.W.  
SUITE 500 WEST  
WASHINGTON, D.C. 20001  
TELEPHONE (202) 434-4100  
TELEX 40 95551 "KELMAN"  
TELECOPIER (202) 434-4646

BOULEVARD LOUIS SCHMIDT 87  
B-1040 BRUSSELS  
TELEPHONE 32(2) 732 52 80  
TELECOPIER 32(2) 732 53 92

JOSEPH E. KELLER  
JEROME H. HECKMAN  
WILLIAM H. BORGHESE, JR.  
MALCOLM D. MACARTHUR  
WAYNE V. BLACK  
TERRENCE D. JONES  
MARTIN W. BERCOVICI  
JOHN S. ELDRED  
WILLIAM L. KOVACS  
CAROLE C. HARRIS  
RAYMOND A. KOWALSKI\*  
MICHAEL F. MORRONE  
MARK FOX EVENS  
JOHN B. RICHARDS  
JEAN SAVIGNY\*  
JOHN B. DUBECK  
PETER L. DE LA CRUZ  
CHRISTINE M. GILL  
MELVIN S. DROZEN  
SHIRLEY S. FUJIMOTO  
LAWRENCE P. HALPRIN

RALPH A. SIMMONS  
PETER A. SUSSER  
C. DOUGLAS JARRETT  
SHEILA A. MILLAR  
PATRICK J. HURD  
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FREDERICK J. DAY, JR.  
TERRY J. ROMINE  
SHEILA J. LANDERS  
GAREN E. DODGE  
DAVID J. READER  
S. CRAIG TAUFEST  
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THOMAS R. MOUNTEER  
DAVID G. SARVADI\*  
GLEN FRANKLIN KOONTZ  
CATHERINE R. NIELSEN  
KRIS ANNE MONTEITH  
ELLIOT BELLOS  
MARK L. ITZKOFF

MARC BEREJKA  
JUSTIN P. MCCARTHY  
KENNETH A. OLSEN  
JEFFREY S. LANG  
ARCHIE L. HARRIS, JR.\*  
BRIAN T. ASHBY  
T. PHILLIPS BECK  
ARTHUR S. GARRETT III  
RICK D. RHODES  
LESLIE E. SILVERMAN  
FRANK C. TORRES III\*  
BRYANT ROBINSON III  
ELIZABETH F. NEWBILL\*  
TAMARA Y. DAVIS\*  
ROBERT H. G. LOCKWOOD\*  
LORI B. BARON\*  
CAROL MOORS TOTH\*  
JOAN C. SYLVAIN\*  
MARTHA PELLEGRINI\*

SCIENTIFIC STAFF  
DANIEL S. DIXLER, PH. D.  
CHARLES V. BREDER, PH. D.  
ROBERT A. MATHEWS, PH. D.  
JOHN P. MODDERMAN, PH. D.  
HOLLY HUTMIRE FOLEY  
JUSTIN C. POWELL, PH. D.  
JANETTE HOUK, PH. D.  
LESTER BORODINSKY, PH. D.

TELECOMMUNICATIONS  
ENGINEER  
CHARLES F. TURNER

\*NOT ADMITTED IN D.C.  
RESIDENT BRUSSELS

WRITER'S DIRECT DIAL NUMBER

(202) 434-4130

March 17, 1993

Ms. Donna R. Searcy  
Secretary,  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: ET Docket Nos. 90-314 and 92-9;  
PR Docket No. 92-235  
Notice of Ex Parte Presentation

Dear Ms. Searcy:

In accordance with Section 1.1206(a) of the Commission's Rules and Regulations, there is provided herewith a summary of an ex parte presentation made this day to Bruce A. Franca, Deputy Chief Engineer, Office of Engineering Technology and to Brian Fontes, Esquire, and Maureen O'Connell, Esquire in the office of Acting Chairman James Quello, by Mr. Harold Bass of the American Petroleum Institute (API), and the undersigned, attorney for API, concerning the above-referenced Commission notice and comment rule making proceedings.

The positions presented on behalf of API in this meeting are summarized in the enclosed documents.

Please place a copy of this letter in the public files for the proceedings referenced above.

Very truly yours,

*Wayne V. Black*

Wayne V. Black  
Attorney for the  
American Petroleum Institute

Enclosure

cc: Mr. Bruce A. Franca  
Brian Fontes, Esquire

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

EX PARTE PRESENTATION  
ON BEHALF OF THE  
AMERICAN PETROLEUM INSTITUTE

ET Docket No. 92-9

**ISSUE PRESENTED IN PROCEEDING:** Transition plan for the 2 GHz spectrum bands to "emerging technologies," rechannelization of spectrum above 3 GHz to reaccommodate displaced 2 GHz Operational-Fixed Service (OFS) licensees.

1. The Commission proposes a voluntary "transition period" during which incumbent licensees could be negotiated away from current 2 GHz frequency assignments; following this period involuntary relocation proceedings would be available to emerging technology licensees who require additional 2 GHz spectrum.

2. API believes it is in the public interest to have a lengthy "purely voluntary" transition plan so that the critical safety-related operations now conducted in the bands may continue without undue disruption, and so that incumbent licensees may have adequate time to migrate to other spectrum assignments or technologies. A minimum five-year transition period is recommended.

3. Incumbent licensees must be insured of adequate compensation for all migration costs.

4. Issues of comparability of spectrum or technologies selected as replacements for 2 GHz assignments must be resolved to the satisfaction of the displaced incumbent licensee prior to involuntary removal from the band.

5. Interference standards must assure that continued operation of 2 GHz OFS facilities may co-exist with co-primary emerging technology operations on a non-interference basis.

6. Control of planning for and construction of replacement facilities must remain with incumbent OFS licensees.

7. API supports Commission efforts to obtain the availability of spectrum in the federal government 1.7 GHz band as replacement spectrum for displaced OFS licensees.

8. With regard to the various plans proposed for rechannelization of spectrum above 3 GHz to re-accommodate displaced OFS licensees:

- API has no preference for any particular plan provided that the actual spectrum needs of displaced licensees clearly are met.

- Some provision for narrowband channels in the 4 GHz range must be made since not every displaced licensee will require wideband replacement facilities.
- The Commission must take steps to maximize competition among microwave equipment manufacturers.
- The Commission must not adopt common carrier coordination procedures for replacement spectrum nor should the Commission adopt a finder's preference with regard to rechannelized spectrum.

**EX PARTE PRESENTATION  
ON BEHALF OF THE  
AMERICAN PETROLEUM INSTITUTE**

**ET Docket No. 90-314**

**ISSUE PRESENTED IN PROCEEDING:** Introduction of personal communications services (PCS) in the band 1850-1990 MHz.

1. API is reluctant to support reallocation of the band 1850-1990 MHz for shared PCS/OFS operations unless:

- A stringent interference standard is adopted to permit shared PCS/OFS usage of the band with minimal disruption to critical OFS operations, and
- The Commission will provide early assurance that such an interference standard will be adopted and strictly enforced in a shared spectrum environment.

2. API is concerned about the deployment of unlicensed PCS (data-PCS) in the band 1910-1930 MHz.

- API agrees with other commenters that a "band clearing" approach must be taken with regard to data-PCS since interference created by multiple unlicensed users would be impossible to trace and spectrum sharing is not a practical possibility.
- The Commission must adopt stringent "band edge" buffer zones to protect those OFS licensees authorized to operate on adjacent channels from unlicensed PCS interference.

3. All transitions from present spectrum assignments by incumbent licensees to accommodate PCS operations must be fully and adequately compensated by the PCS licensees.

4. In the case of unlicensed PCS, manufacturers of unlicensed PCS devices must establish an escrow fund with which adequate compensation will be paid to incumbent licensees displaced from 1910-1930 MHz assignments.

**EX PARTE PRESENTATION  
ON BEHALF OF THE  
AMERICAN PETROLEUM INSTITUTE**

**PR Docket No. 92-235**

**ISSUE PRESENTED IN PROCEEDING:** The Commission proposes to require employment of narrowband technologies in shared bands below 512 MHz. The move to narrowband technology would be accomplished in two stages, the first of which would involve reduction of transmitter frequency deviation thereby reducing current occupied bandwidths. This stage would be completed by January 1, 1996. Stage two would require replacement of existing equipment with new narrowband equipment in market-by-market increments to take effect between January 1, 2004 and January 1, 2012.